



King County Board of Ethics
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KING COUNTY BOARD OF ETHICS MEETING NOTICE

When: Monday, September 17, 2001, at 1:00 p.m.
(NOTE TIME)

Where: Bank of California Building
900 Fourth Avenue, 4th Avenue and Marion Street, Seattle
5th floor conference room, northwest corner of building

AGENDA

1. ***Approval of Agenda***
2. ***Approval of Meeting Minutes of July 16, 2001.***
3. ***Proposed Reorganization Ordinance.*** Status and Discussion.
4. ***Staff Report.***
 - Current Ethics-Related Issues: Post Employment; Use of County Property
 - Brochure—King County Ethics Standards for Vendors, Contractors, Clients, and Customers
 - 2002 Washington State Ethics Conference
 - Filing Orders Amendment—status
 - Post Employment Amendment—status
 - Public Request for Disclosure of Information
 - Next board meeting: November 19, 2001. October meeting canceled.

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are available by calling (206) 296-1586 or TTY 1-800-833-6388.

ALTERNATE FORMATS AVAILABLE

**Minutes of the September 17, 2001, Meeting
of the King County Board of Ethics**

The September 17, 2001, meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 1:08 p.m. Board members in attendance were:

Lois Price Spratlen, Ph.D., Chair
Mr. Roland H. Carlson
Lembhard G. Howell, Esq.
Rev. Paul F. Pruitt

Margaret T. Gordon, Ph.D., had an excused absence

Others in attendance:

Ms. Catherine A. Clemens, Administrator, King County Board of Ethics
Mr. James J. Buck, Acting Director, Department of Information and Administrative Services
Mr. Donald J. Porter, Senior Deputy Prosecuting Attorney

1. *Proposed Agenda.* Mr. Carlson moved and Rev. Pruitt seconded that the board approve the proposed agenda. The board unanimously adopted the motion.

Chair Price Spratlen asked for introductions from those present.

2. *Approval of Meeting Minutes of July 16, 2001.* Mr. Carlson moved and Rev. Pruitt seconded that the board approve the July 16, 2001, meeting minutes. The board unanimously adopted the motion.

3. *Proposed Reorganization Ordinance.* Ms. Clemens briefed the board and reviewed past activities related to the executive's proposed reorganization ordinance. Previously, the King County Council's Committee of the Whole (COW) met on August 20, 2001. Councilmember Gossett proposed an amendment related to the ethics board and office that would accomplish the following: 1) continue the ethics board and office as a discrete agency, as opposed to merging it with the Office of Civil Rights Enforcement; and 2) place the staffing and reporting relationship under the new Chief Administrative Officer, rather than the Office of Civil Rights Enforcement manager. The COW voted to approve the amendment but held it in committee until certain concerns were addressed about this and other amendments. The COW met on August 27, 2001, and moved the proposed reorganization ordinance to the full council, with all amendments. The full council met that afternoon and addressed the ordinance. It agreed to delay a vote for one week so that certain, unidentified issues might be reviewed. With concerns apparently satisfied, the council adopted the restructuring proposal by a 11-0 vote on October 1, 2001 (Councilmembers Nickels and Pullen were excused) and the executive signed it into law on October 11, 2001.

The board discussed the matter in detail, particularly the manner in which the legislation was developed and brought to a vote. Chair Price Spratlen proposed a meeting with the executive to establish future working relationships. For the purpose of continuity, she requested Mr. Carlson or Mr. Howell accompany her since they had attended earlier meetings on the topic. Following discussion, it was agreed that Mr. Carlson would attend the meeting with the Chair. Chair Price Spratlen introduced a "letter of understanding" sent to her by the executive. The letter, dated August 17, 2001, stated the executive's commitment to support and promote ethics in his administration, but reiterated his decision to place the ethics board administrator in the Office of Civil Rights and Ethics and to direct the administrator to report to the manager of that agency. The board discussed possible agenda items for the next meeting with the executive and determined the following would be appropriate: how the reorganization will be operationalized; what informed the executive's decision to place ethics with civil rights; training and education conducted by the ethics administrator; and the recent article by Ms. Clemens that appeared in the COGEL newsletter on the county's successful financial disclosure program. Chair Price Spratlen voiced her appreciation of Ms. Clemens' recent contributions.

Mr. Buck arrived at 1:40 p.m.

The board asked Mr. Buck how the reorganization will affect DIAS staff, particularly those who have been laid off. Mr. Buck assured the board that the process is working relatively smoothly and the county is working hard to make job reassignments to previously vacant positions.

4. *Staff Report.*

Current Ethics-Related Issues. Ms. Clemens explained that from time to time ethics-related situations come to her attention. Such situations may come to light during a routine review of a consultant disclosure form or financial disclosure form, or are communicated to her by county employees seeking assistance and information. As administrator, her role is to respond to issues if they are within the jurisdiction of the ethics code by providing information based on the code and past advisory opinions. Those outside of the ethics jurisdiction are referred to other appropriate agencies. Ms. Clemens may also seek additional information when necessary from the parties involved and related county policies. Frequently, Ms. Clemens will bring more systemic issues to the attention of department managers and other county personnel, such as the Ombudsman or executive auditor. When issues have broader impact to a department or the county, she will bring them to the board's attention for information, discussion, and possible action. Current ethics-related situations include use of county property; post employment; attendance at events; acceptance of meals; and just and equitable treatment. Ms. Clemens detailed the issues and current course of action.

- *Use of County Property; Department of Transportation*

The Department of Transportation has inconsistent policies relating to use of county property, including computers and e-mail. The issue was brought to the administrator's attention during supervisor training and the deputy director was informed in a meeting with the administrator on August 9, 2001. He subsequently met with DOT managers. Due to their response, he stated he would meet with them again in late August. The administrator followed up by e-mail asking to know the meeting outcome. She sent copies of that request

to Mr. Dave Lawson, executive auditor, Mr. Duncan Fowler, Ombudsman, and Mr. Paul Toliver, DOT director. The deputy director responded that he needed to communicate with the director before meeting again with the management team. Next step: Wait for deputy director response.

- *Use of County Property; King County Sheriff's Office*

According to a facilities manager in charge of the county garage, King County Sheriff's Office personnel have been using the garage in violation of the ethics code. Specifically, officers are: 1) parking their personal cars in the garage when they take out county cars; 2) parking in the garage when on assignment to other jurisdictions, rather than parking in the outside parking lot, resulting in loss of revenue to the county; 3) allowing other drivers who do not have access cards to enter the garage right behind them; and 4) using their official county positions to demand access without having proper access cards. The administrator met with the facilities manager on August 22, 2001. It was agreed that the manager would request a staff informational response from the administrator. She would then use that response in a subsequent meeting with KCSO leadership to discuss the issue. The administrator sent an e-mail reminder to the manager on August 27th. The manager promised to send the request by September 7th. Next step: Wait for request from manager; if not received by September 14, communicate with DCFM director.

- *Post Employment Provision; Department of Natural Resources*

A *Water and Land Resource Division* employee contacted the administrator because he became aware of a potential post employment issue when a 'responsible' project employee left county employment and returned to work within one year on the same project as a subcontractor for the consultant. A WLRD employee had advised staff it would be acceptable under the circumstances. After waiting for a response from WLRD about how they intended to resolve the situation, the administrator formally audited the consultant disclosure statement associated with the contract with a due date of August 30, 2001. The administrator followed up with an e-mail reminder, including a copy to the department director. The division manager responded on August 31st that the audit response was on its way and it arrived on September 7th. (A copy was included in board packets.) No further action is anticipated.

- *Post Employment Provision; Department of Natural Resources*

A consultant disclosure form related to a contract between a consultant and the *Wastewater Treatment Division* showed that a former WTD employee returned to work with WTD as a subconsultant within one year. When WTD informed the contractor of the post employment provision, the subconsultant was removed from the project and the county was not billed for his services. A WTD manager will send a final letter of understanding to the contractor the week of September 10, 2001. WTD plans to provide ethics information for exiting WTD employees and has invited the administrator to speak at a vendor forum. Next step: Wait for WTD letter to consultant and consultant response.

- *Post Employment Provision; Department of Community and Human Services*

A consultant disclosure form related to a contract between the Department of Community and Human Services and a consultant revealed that a DCHS employee in the director's office had returned to work as a subconsultant within one year of leaving the county.

Following an audit of the form, the administrator met with DCHS business manager to discuss the situation. As a result, the consultant discontinued the former employee's services related to the county contract.

- *Attendance at Events and Acceptance of Meals; Department of Community and Human Services*

A DCHS manager contacted the ethics office to discuss how the ethics code and advisory opinions provide guidance on attendance of events and acceptance of refreshment during those events. Based on preliminary discussions, this issue is of major concern to this division. The administrator and manager are seeking a mutually convenient time to meet and discuss. Meanwhile, the administrator provided a staff informational response on the topic and is keeping the DCHS business manager informed.

- *Just and Equitable Treatment (Fundraising by county employees) King County Sheriff's Office*

A deputy for the KCSO contacted the ethics office asking if there were any provisions of the ethics code that would affect a 501(c)(3) she had formed in order to raise funds for an Explorer Troop loosely affiliated with the KCSO. The ethics administrator provided a staff informational response regarding solicitation of those doing business with the county and offered to meet with the deputy and the KCSO legal counsel. Board advisory opinions interpret the code to prohibit county employees from soliciting from those with whom they may have an official relationship. The code of ethics states that no county employee may use county resources for personal convenience or profit; may not grant special consideration beyond that which is available to every citizen; and may not use the power or authority of their office to induce or coerce any other person with a thing of value. In addition, a Washington State Executive Ethics Board opinion responded 'no' to the question of whether state employees may operate a non-profit corporation within a state agency for the purposes of overseeing fund raising activities. The administrator followed up with e-mail to KCSO's legal counsel on August 31, 2001, asking for their resolution of the issue and copied Mr. Lawson, Ms. Broom, council auditor, Mr. Fowler, and KCSO directors. Next step: If no response by September 17th, contact the Sheriff directly.

Brochure—King County Ethics Standards for Vendors, Contractors, Clients, and Customers.

The board reviewed and approved the final draft of the informational brochure. The pamphlet will be distributed with paychecks in late October and an e-mail message of introduction and support from the executive will precede distribution. Mr. Buck stated that he had reviewed the message text drafted by Ms. Clemens with Mr. Tanaka and had received no objections. Chair Price Spratlen stated that the brochure distribution should be delayed until the e-mail message has been sent since it is imperative to secure the executive's cooperation to communicate with county employees.

2002 Washington State Ethics Conference. Ms. Clemens is working with other ethics agencies in Washington State to move forward the proposed conference scheduled for July 11, 2002. Ms. Clemens distributed a draft itinerary for reviewed and invited suggestions from the board. Rev. Pruitt asked that the topics focus on real issues rather than theoretical subjects. Ms. Clemens asked that the board consider a contribution of \$500 from its county budget. Mr. Howell asked that the board be informed of the conference budget and

projected income prior to making a decision. Chair Price Spratlen suggested making an in-kind donation if the opportunity exists.

Filing Orders Amendment—status. It is anticipated that the King County Council will again address the proposed amendment related to filing requirements under the Code of Ethics in October.

Post Employment Amendment—status. The board forwarded the proposed post employment amendment to the Code of Ethics to the executive in June, 2001, via Mr. Buck. Mr. Buck stated he had not yet forwarded the issue to the executive due to more pressing priorities but intends to do so.

Public Request for Disclosure of Information. Ms. Clemens and Mr. Porter, board counsel, reported that a request from Mr. Robert McQuade for the Statement of Financial and Other Interests of a Housing Authority commissioner that had previously been denied due to privacy issues, would be fulfilled in a timely way.

New Board Meeting. The October meeting is canceled because Ms. Clemens will be out of town; the next meeting will be held Monday, November 19, 2001.

Mr. Howell asked that the board move forward with its program to revise the Code of Ethics. Ms. Clemens noted that the board had reviewed and revised all areas of the code previously identified as needing improvement, including post employment, filing requirements, consultant disclosure and financial disclosure. It also reviewed the penalties section in previous meetings and determined it would propose no changes. Chair Price Spratlen stated that the board would be informed by questions posed by employees to the administrator and the board as potential problem areas in the code. She stated that the board would move forward on the strength of that information at the next meeting.

Mr. Howell moved and Rev. Pruitt seconded a motion to adjourn the meeting. The board unanimously approved the motion and the meeting was adjourned at 2:34 p.m.

Approved this 19th day of November, 2001, by the King County Board of Ethics.

Signed for the Board: _____
Dr. Lois Price Spratlen, Chair